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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,598	09/12/2001	Tim Goldstein	10007811-1	8279
7590	05/04/2005		EXAMINER	
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			SELBY, GEVELL V	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/954,598	GOLDSTEIN ET AL.
	Examiner Gevell Selby	Art Unit 2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 November 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,5-10,13-17 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 2, 5-10, 13-17, and 20-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2, 5-10, 13-17, and 20-23 have been considered but are moot in view of the new ground(s) of rejection.
2. The applicant has canceled claims 3, 4, 11, 12, 18, and 19.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. **Claims 1, 2, 5, 7-10, 13, 15-17, 20, 22, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328.**

In regard to claims 1, 9, and 17, Kinjo, US 2002/0001036, discloses a digital camera (see figure 1), method of controlling the operation of the camera, and a computer readable medium (It is inherent the CPU (24) stores a control program in a storage medium to use to operate the camera (see Para 51)) for controlling the operation of a digital camera comprising:

means for capturing at least two image of a scene (see figure 1, element 14), the at least two images including different views of the scene (see Para. 91 and 92);

means for merging the at least two captured images (see Para. 93)

means for displaying the merged image (see figure 1, element 12);

The Kinjo reference does not disclose a means for cropping the displayed image and a means for storing an uncropped portion of the displayed image.

Ishihama et al., US 5,557,328, discloses a digital camera comprising:

means for cropping the displayed image (see column 4, lines 8-35: When an image is displayed on the display and the camera is set to zoom-in on or crop the image, an opaque frame line is displayed on the display. The portion inside the frame is the uncropped portion of the image to be magnified and saved into memory. The portion outside the frame is the cropped portion and is excluded from being saved); and

means for storing an uncropped portion of the displayed image (see figure 3 and column 4, lines 32-35).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, to have means for cropping the displayed image and a means for storing an uncropped portion of the displayed image, in order for the user to easily control the selection of a portion of the image to view and save.

In regard to claims 2 and 10, Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, discloses the digital camera and method of controlling the operation of the camera recited in claims 1 and 9, respectively. The Ishihama reference discloses further comprising means for deleting a cropped portion of displayed image (see column 4, lines 30-32).

In regard to claims 5, 13, and 20, Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, discloses the digital camera, method of controlling the operation of the camera and a computer readable medium for controlling the operation of a digital camera recited in claims 1, 9, and 17 respectively. The Kinjo reference discloses wherein the at least two images of the scene are captured sequentially in time (see Para. 92).

In regard to claims 7, 15, and 22, Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, discloses the digital camera, method of controlling the operation of the camera, and a computer readable medium (It is inherent the microcomputer (14) stores a control program in a storage medium to use to operate the camera for controlling the operation of a digital camera recited in claims 1, 9, and 17 respectively. The Kinjo reference discloses wherein said at least two images have an overlapping image field (see figure 8 and Para. 92).

In regard to claims 8, 16, and 23, Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, discloses the digital camera, method of controlling the operation of the camera, a computer readable medium for controlling the operation of a digital camera recited in claims 1, 9, 17 respectively. The Kinjo reference discloses wherein said at least two images have substantially the same image field (see figure 8 and Para. 92).

**5. Claims 6, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, as applied to claims 1, 9, and 17 above and further, in view of Weldy et al., EP 0858208.**

In regard to claim 6, 13, and 21, Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, discloses the digital camera recited in claims 1, 9, and 17. The Kinjo

and Ishihama references do not disclose at least two images of the scene are captured simultaneously.

The Weldy reference discloses uses two or more image sensors to capture multiple image of a scene simultaneously (see page 5, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kinjo, US 2002/0001036, in view of Ishihama et al., US 5,557,328, and further in view of Weldy et al., EP 0858208, to have to have two image sensors that capture images of a scene simultaneously in order to create the composite images faster.

### *Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs



TUAN HO  
PRIMARY EXAMINER